

REMARKS

Claims 1-5 are pending in this Application, after entry of the foregoing amendments. Claim 1 was rejected in the March 23, 2005 Office Action ("the Office Action"), while Claims 2-4 were allowed. By this Amendment, Claim 1 is amended, without prejudice or disclaimer, to more particularly point out and distinctly claim the invention and dependent Claim 5 is newly presented.

Claim 1 was rejected in the Office Action as anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 6,226,619 to Halperin et al. ("the '619 Patent"). The '619 Patent discloses in Fig. 3 a wine bottle 31 that is sealed with a cork 31A. A sealing cap 31B, typically made of foil, surrounds the top and neck of wine bottle 31. RFID tag 32 is mounted between the sealing cap 31B and the cork 31A with RFID tag 32 mounted to sealing cap 31B at attachment point 324. According to the '619 Patent, when sealing cap 31B is removed, "the tag is . . . attached to the cover [sealing cap 31b] and cork in a manner that causes the tag's chip circuit lines or one of the antenna lines to be severed." (Col. 6, lines 23-27).

In contradistinction, the present invention, as claimed by Claim 1 as amended, constitutes a radio frequency identification tag, a cap for sealing the contents of a container in that container and having the tag mounted to an internal surface thereof, and an engagement member interconnecting the substrate of the tag and the container. According to the Examiner, RFID tag 32 of the '619 Patent corresponds to the radio frequency identification tag of Claim 1, sealing cap 31B corresponds to the cap of Claim 1 and cork 31A corresponds to the engagement member of Claim 1. However, in the present invention of Claim 1, only the cap is used to seal the contents of the bottle in the container, whereas in the cited prior art, the so-called "sealing cap" 31B does not seal the contents of wine bottle 31 but instead simply surrounds the top of wine bottle 31 with cork 31A actually sealing the contents of wine bottle 31. There is no teaching or


suggestion in the '619 Patent of using an engagement member interconnecting an RFID tag mounted on a cap which is the only seal for the container with the container itself. Rather, in the '619 Patent, the RFID tag is mounted between the outer seal 31B and the cork 31A. Since the '619 Patent does not disclose each and every limitation of Claim 1, as amended, the '619 Patent does not anticipate Claim 1, as amended. Furthermore, since newly added Claim 5 is dependent on Claim 1, for all the same reasons discussed above, Claim 5 likewise is not anticipated by the '619 Patent. Thus, Applicants respectfully request that the Examiner withdraw the rejection of Claim 1 under 35 U.S.C. § 102(b) and allow all of the pending claims.

No fees or extensions of time are believed to be necessary for the entry of this Response. However, authorization is given hereby to charge any extension of time fees necessary to preserve the pendency of the subject application to Deposit Account No. 01-1785.

Respectfully submitted

AMSTER, ROTHSTEIN & EBENSTEIN LLP
Attorneys for Applicants
90 Park Avenue
New York, NY 10016
(212) 336-8000

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By: 
Michael J. Berger
Registration No.: 25,829